

MINUTES
KANSAS BOARD OF VETERINARY EXAMINERS
Friday, December 4, 2015
2005 Research Park Drive
Manhattan, Kansas

This meeting of the Kansas Board of Veterinary Examiners was called to order at 10:16 AM by Board President Dr. Bogue. Board Members in attendance in addition to Dr. Bogue were Drs. Layton, Kobuszewski, Bentz, Dodson, Ritter, and Mr. Allen. Also present were agency staff, Executive Director Dr. Bill Brown, Konrad Coe, Dr. Dirk Hanson, and Cheryl Mermis, KDA legal counsel Robert Large and Rick Scheufler and KDA Secretary Jackie McClaskey. Guests included: Drs. Mark Olson, Jay Hedrick, and from the American Association of Veterinary State Boards-[AAVSB] James Penrod and Vic Cook.

The Board President recognized and welcomed those in attendance. Dr. Bentz moved to adopt the meeting agenda as proposed. Dr. Layton seconded the motion. The motion passed on a voice vote with no dissenting votes.

Mr. Allen made a motion to approve the minutes of the previous meeting and was seconded by Dr. Kobuszewski. The motion passed on a voice vote with no dissenting votes.

With no old business to discuss, Dr. Bogue requested time to allow the board to go in to executive session. At 10:25 a.m., the following motion was made by Dr. Dodson: "I move that we recess into executive session in compliance with the Kansas Open Meeting Act to discuss personnel matters of nonelected personnel. Only board members are to be admitted to the executive session." The Board will reconvene the open session in this same location at 10:45 a.m." The motion was seconded by Dr. Kobuszewski and passed unanimously.

At 10:45 a.m. the Board reconvened and Dr. Dodson again made a motion to recess into executive session in compliance with the Kansas Open Meeting Act to discuss personnel matters of nonelected personnel. Dr. Bill Brown was asked to remain with the board. The motion was seconded by Dr. Layton and passed unanimously. The Board meeting resumed at 11:05 a.m.

Dr. Hanson provided an overview of the verification of licensure process, a process of sharing licensure information with other state licensing entities, a standardized nationwide protocol. Dr. Hanson further explained the importance of agency to agency information sharing; having information pertaining to a license action may have bearing in another State, a board action in Kansas could be a determining factor with the other state. It is common practice for in-depth public information to be shared State to State.

Standard template language included in a verification letter, *"In Examining our records this license is not under investigation and has never been disciplined, suspended or revoked."*

Dr. Hanson further explained and extended the conversation to inform the board that prior to the merge, when the KBVE office was located in Wamego, all KBVE office staff worked in close proximity of each other; good communication exchanges between office staff; knowing what licensees were under investigation; or knowing and having the documentation of a final board determinations of all cases, office staff were able to respond accordingly for license verification inquiries.

The trial merge has led to the need for re-evaluating protocols and establishing new procedures for how KBVE conducts day-to-day duties which are different than before the merge. For example, KDA-legal team issues any board sanctions imposed on licensees, they remain the repository of legal documents. Now when a complaint comes in, Dr. Hanson will have all case file investigative information and documentation until there is a legal transfer, whereby KDA legal team would negotiate and issue consent agreements or issue cite and fines and would be the repository of all the legal documentation.

There is a necessity for staff to know when a licensee is under investigation and when there has been a sanction imposed on a particular licensee as it relates to verification of licensure letters ---- additional layers have been added to our process because staff doesn't always know all that staff once knew, like prior to the merge. KBVE staff and the legal team are continuing to develop a communication/notification process, so office staff will know which version of a verification letter would be needed in circumstances where a modification would be necessary.

Sample verbiage for previous infraction[s]: ***In examining our records this license is not currently under investigation. Document relative to Kansas case # _____ and case # _____, in which Dr. _____ was the Respondent is/are included.***

Sample verbiage for a current investigation: ***The licensee is currently the subject of KBVE investigation. There is no further information available at this time.***

Continuing his presentation to the board Dr. Hanson told board members that KBVE revised its retention schedule years ago, which was approved by the State Archivist. The revision to KBVE retention schedule included language of, 'retain until no longer useful' but KBVE never defined the term "no longer useful". Dr. Hanson introduced a proposal for the board to consider; all case files processed since July 2014, completed cases with no probable cause are retained as long as a case involving the respondent with in [5] years exists; all completed case files are transferred to legal, legal will provide notice of outcome and is repository of all board orders.

Dr. Hanson further explained and presented enhancements to a proposed case file retention schedule.

- Completed cases with no probable cause are retained as long as a case involving a respondent with in [5] years* exists;
 - Completed cases where probable cause was found, but not resulting in a hearing, to be retained only as long as a case involving respondent with in [5] years* exists;
 - Completed Cases resulting in formal hearing, to be retained only as long as a case involving respondent with in [10] years* exists;
- ~~~In any one of the three scenarios, should other case[s] involving the same respondent be introduced before the end of a retention term*, previous case is retained along with any new cases; a revised retention date would be placed on existing files.

The BTCO scanning project total cost was approximately \$35000 to KBVE due to the volume of documentation and lack of preparation of the files. Mr. Large summarized that BTCO personnel's position is that they had questions related to the 70 banker boxes of KBVE paper records transported to BTCO's offices in Wichita, sought guidance from KBVE but in the end there was no clear understanding from KBVE. The 70 banker boxes were retrieved and transported to the KDA office. KBVE staff reduced the 70 boxes down to approximately 10 boxes of actual paper documentation that will be rescanned in-house by staff or KSU student employees. (The proposed retention schedule was the framework for the reduction in paper documentation retained by the agency).

Dr. Dodson made a motion to implement a procedure to license verification letters; where there is a need to include more information regarding specific board discipline(s), staff will provide modified language where needed in the initial letter. The motion was seconded by Dr. Layton.

Dr. Dodson made a motion for the duration of the merger, the Board approve the new proposed retention schedule. The motion was seconded by Dr. Kobuszewski.

Dr. Brown provided board members proposed legislation for permanent merging of the KBVE into the KDA. Proposed changes would be reflective in K.S.A. 47-818, 47-819, 47-820, 47-821, 47-822, 47-824, 47-825, 47-829, 47-830, 47-834, 47-840, 47-843; with an addition of K.S.A. 74-4001 and 74-5,119- as it relates to the creation of membership and appointment of a KBVE member to the Kansas animal health board. Dr. Hanson reminded the board about AAVSB's Practice Act Model and AAVSB's legal counsel Dale Atkinson, both resources to the board, as members contemplate a merge with the KDA. Dr. Brown and Robert Large encouraged the board to finalize any proposed language that will need to be sent to the Revisers' office within a week or two; Dr. Bogue suggested that board members review the proposed language and revisit the discussion during future conference calls.

Dr. Brown revised the agenda schedule to include his presentation of project updates at this time. Online license renewal process; KDA Pesticide and Fertilizer finalizing a contract for the software to implement an online payment portal for the purpose of accepting online renewal payments; KBVE is planning to use registered technicians for the beta test of on-line renewal processing. Online jurisprudence test; it will take KDA-IT Department 45-60 days to implement once they start project next spring.

ACT software enhancements and upgrade; a 2nd ACT license purchased for a second workstation located in the cubicle next to Cheryl's workstation. The second workstation would have full functioning of the database software that stores all of KBVE licensing and registration electronic data. Dr. Brown intends to have other animal health personnel become acquainted and learn the functionality of the program; build backup redundancy for instances when Cheryl is out of the office.

BTCO scanning project; as discussed earlier in the meeting, 70 boxes were retrieved and brought to Manhattan, staff spent a few days consolidating down to approximately 10 boxes. There may be additional consolidating as staff spends some time re-indexing the documentation and preparing for in-house scanning to be completed by staff and/or KSU student employees.

The hard walled office, previously occupied by Sarah Byrne was released; the boards' account will be reimbursed and no longer charged; a modification to the board KDA expenses would include an additional charge for 1.5 cubicles to be added to the boards' expenses; (this includes the 2nd ACT workstation and a share of a field staff cubicle for Dirk and Konrad).

New vehicle has been ordered for Konrad at a cost of \$20,177.00. KBVE's 2002 Chevy Silverado was delivered to PurpleWave Auction, proceeds from the sale will be credited to board account.

Mobile clinics; Robert Large reported that he had reviewed regulation as it relates to the board's authority to assess compliance of practice of those Kansas licensees that are not associated with a brick/mortar facility and not operating a registered mobile vehicle practice. There is statutory authority for the board to assess compliance of all Kansas licensed practitioners. The objective is to facilitate an outreach by the board's premise inspector, to make contact with those licensees where it is not known from where those veterinarians practice. A protocol will be created for the purpose of reviewing records of those '**mobile practice**' licensees- assessing compliance to minimum standards in the practice of veterinary medicine and maintaining control drug logs.

Meeting RECESSED at 12:20 pm.

Board meeting RECONVENED at 12:50 pm.

Following the break, Dr. Bentz had some questions about the on-line jurisprudence examination at which point Dr. Hanson informed the board he participated in some initial work on development of the

questions which differ from the paper examination; a paper test is currently fill-in-the-blank and true/false questions whereas on-line questions would be multiple choice. There is still ample opportunity and desire for the board's involvement on test question content and establishing protocols for those instances where the examination might have to be given to an individual as closed-book and supervised, as it relates to a board discipline.

An overview of key programs that AAVSB offers to its members was presented to board members by AAVSB's executive director, Jim Penrod; also in attendance AAVSB director of programs Vic Cook. Mr. Penrod and Mr. Cook are traveling and visiting other Boards to get better acquainted with the membership, to get an understanding of the challenges facing the regulatory boards and determine how AAVSB can lend support.

VIVA –Veterinary Information Verifying Agency is a centralized depository for veterinarians' and veterinary technician's credentials and a source of verified data for Boards; licensure and disciplinary information and national veterinary examination scores.

VCET-Veterinary Continuing Education Tracking is a new free program for veterinary professionals and the AAVSB member licensing entities, a centralized database for veterinary professionals to store their continuing education documentation, which is accessible by authorized member agencies.

RACE-Registry of Approved Continuing Education is a national clearinghouse, registry of approved continuing education providers and their programs.

VTNE-Veterinary Technician National Examination is a computer-based national exam for applicants seeking veterinary technology registration.

PAVE-Program for the Assessment of Veterinary Education Equivalence is an assessment of veterinary equivalency; 41 states accept PAVE [currently KANSAS does not].

The **AAVSB annual meeting** is a good opportunity to network with other States to learn what challenges licensing boards are facing. September 2016 AAVSB Annual Meeting will be in Scottsdale AZ; AAVSB funds one members' delegate to the annual meeting.

VetBoard Connect are regular webcasts that member boards can log in and participate during live discussions on a topic of interest.

Mr. Penrod concluded his presentation by mentioning the **New Board Member Training**, administered by AAVSB Legal Counsel Date Atkinson, JD.; the next training will be May 21-22, 2016 in Kansas City, Missouri, and the **Practice Act Model** which was brought up in an earlier discussion and to reiterate AAVSB's mission is to foster membership of all veterinary regulatory agencies in North America and be a collective voice for the membership; helping boards to increase efficiencies and effectiveness.

Dr. Mark Olson, former KBVE board member and former Chair of 2013 S.B. 171 Merger Task Force, also Treasurer of the AAVSB Board of Directors handed out recently released results from a 3rd AAVSB survey.

Dr. Jay Hedrick, former KBVE board member and currently serving on the National Board of Veterinary Medical Examiners Board of Directors provided the board an overview of programs and activities of the NBVME.

Dr. Hanson reported [3] new complaint cases since October for a total of [29] complaint cases in 10 months which is less than 2/3 of the complaint cases that have historically been received.

Rick Scheufler provided the board with an active case status report that is reflective of [18] cases that have had some form of activity since the last board meeting. The administrative hearing that was scheduled and started on 12/2/2015 will resume on 1/6/2016 as a continuation. The addition of Holly

Fenton from KDA legal team has been and will continue to help with issuing cite and fines, on behalf of the board.

Dr. Layton made an inquiry about compliance monitoring, Dr. Hanson replied that compliance monitoring was his responsibility and that in those cases where there is potential danger to the public, those cases take 1st priority but a more developed protocol for monitoring compliance to board issued orders would need to be established.

Konrad reported year to date (7/1/2015-11/30/2015) totals of 186 premise inspections, 12 with noted deficiencies, 5 changes in operating managing doctors; of those YTD totals, since last board meeting there have been 57 premise inspections, 4 with noted deficiencies, 3 OMDR changes, 1 new clinic inspection. Konrad reviews at least one surgical and one medical case by selection from the practice appointment book. An earlier discussion about premise inspections where there are multiple DVMs at the practice, board members agreed they would like the premise inspection to include recordkeeping compliance of all DVMs at a particular clinic. A few suggestions were introduced; the premise audit form could be modified to include a section to note which veterinarian's records were reviewed at the time of audit and adding the step[s] first to the policy and procedure manual and subsequently to regulation so that a firm policies are established. Konrad reported the most common deficiencies seen are inaccuracies are on control drug logs, most of the time corrections to deficiencies are made before Konrad leaves on the day of the audit. Upon return to the office, any premises where deficiencies were identified during a premise inspection, Konrad sends a letter to the veterinarian for a 30-60 day follow-up, in the form of a written response from the veterinarian. Konrad can access premises files digitally stored in DocuWare remotely, away from the office, and he finds this a valuable resource verses the paper files.

Proposed regulation changes discussed at the last board meeting resulted in expanding on some of the language as it pertains to companion animals and waste disposal, Dr. Hanson thanked Drs. Bogue and Dodson who were helpful drafting the culturally sensitive language. Dr. Layton offered the regulation should also include language on lead-lined thyroid shield. Robert Large took notes and said he would make the revision.

Rick Scheufler pointed out an error on the regulation handout which depicted strikeout editing specific to K.A.R. 70-7-1(o); correction would be K.A.R. 70-7-1(n). Dr. Dodson recommended that revisions be made and that KVMA [interested stakeholder] received the corrected changes, the board could approve and finalized via conference call.

Dr. Bentz relayed to board members that he has been receiving calls and questions, inquiries wanting to know the board's position and how VCPR will be defined as it relates to the Food and Drug Administration's-Veterinary Feed Directive; Dr. Bentz recommended that board members review the language and suggested that the board formalize a position at the next meeting.

Dr. Bogue reminded the board about the February meetings; Tuesday and Wednesday, February 2nd and 3rd in Topeka. In the past the Tuesday meeting starts late afternoon about 5pm, typically recessing for the KVMA Legislative Reception [5:30pm – 7pm] and either resume the meeting, at the hotel, after the reception for a debrief, continuation of board meeting resumes on 2/3/2016 in the senate meeting room in the Capitol. Future meetings of the board will be decided at the February meeting. Dr. Bogue told the board that there will most likely be some conference calls scheduled between now and February.

With no other business to discuss Dr. Bogue asked for a motion to adjourn the meeting.

Mr. Allen moved that the meeting be adjourned, Dr. Kobuszewski seconded. Motion passed.

Having no further business before the Board at this time, the meeting adjourned at 3:15pm.

Signed _____

Reggie Begue DM